

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**  
UNITED STATES OF AMERICA, : 15-cr-00628-CBA-6  
:   
- versus - : U.S. Courthouse  
: Brooklyn, New York  
:   
BILLY CHEN, : May 9, 2016  
Defendant :   
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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1 THE CLERK: Criminal Cause for Pleading, docket  
2 number 15-cr-628, United States v. Billy Chen.

3 Please state your appearance for the record.

4 MS. MOORE: Nadia Moore, Ameet Kabrawala and  
5 Maria Cruz Melendez for the United States.

6 Good afternoon, your Honor.

7 THE COURT: Good afternoon.

8 MR. ROTH: Good afternoon, your Honor.

9 James Roth on behalf of Mr. Chen.

10 THE COURT: Good afternoon. We also have  
11 present the interpreter. Would you state your appearance  
12 and the language?

13 THE INTERPRETER: Patsy Ong, Cantonese.

14 THE COURT: And previously sworn?

15 THE INTERPRETER: Yes, your Honor.

16 (INTERPRETER PREVIOUSLY SWORN)

17 THE COURT: All right. I would ask everyone to  
18 remain seated, except for the defendant.

19 I am going to ask Ms. Williams, my law clerk to  
20 administer the oath.

21 B I L L Y C H E N

22 called as a witness, having been first duly sworn,  
23 was examined and testified follows:

24 THE CLERK: Please state your full name and  
25 spell your last name for the record.

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1 THE DEFENDANT: Okay. My name is Billy Chen.

2 THE COURT: All right. Mr. Chen, you should  
3 understand that having been sworn, your answers to my  
4 questions will be subject to the penalties of perjury if  
5 you do not answer truthfully.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And I would note that  
9 the defendant has answered some of the questions in  
10 English. You're welcome to do that but the interpreter  
11 is here to make sure that you fully understand everything  
12 that's being said and that your responses are accurate in  
13 the way you intended them. So please feel free to use  
14 the interpreter if you wish. All right?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Please be seated and I  
17 just would note for the record that the order of referral  
18 I have refers to a Mandarin interpreter. I understand  
19 that Ms. Ong is a Cantonese interpreter. Is there any  
20 issue?

21 THE DEFENDANT: Cantonese is fine.

22 THE COURT: Are you sure, Mr. Chen?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Mr. Chen, before  
25 accepting your guilty plea, there are a number of

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1 questions that I have to ask you to make sure that it's a  
2 valid plea. If you don't understand any of my questions,  
3 please say so and I'll either reword the question or I  
4 will have the interpreter retranslate for you.

5 All right?

6 THE DEFENDANT: Yes.

7 THE COURT: This is Judge Amon's case. She's a  
8 United States district court judge. And she is the judge  
9 who will sentence you and make the ultimate decision as  
10 to whether to accept your guilty plea. If you wish, you  
11 have the absolute right to have Judge Amon listen to your  
12 plea and if you choose to do that, there will be no  
13 prejudice or harm to you.

14 Do you understand that?

15 THE DEFENDANT: I understand.

16 THE COURT: On the other hand if you wish, I  
17 will listen to your plea. I'm a United States magistrate  
18 judge. This proceeding is being recorded. A transcript  
19 will be made of the proceeding and Judge Amon will review  
20 it to decide whether to accept your plea. She'll also  
21 review it in connection with your sentence.

22 Do you understand everything that I have said  
23 so far?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Do you wish to give up your right

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1 to have Judge Amon listen to your plea and are you  
2 prepared to proceed before me at this time?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you make this decision  
5 voluntarily and of your own free will?

6 THE DEFENDANT: Yes.

7 THE COURT: Have any threats or promises been  
8 made to you to get you to agree to have me hear your  
9 plea?

10 THE DEFENDANT: No.

11 THE COURT: And I have before me the order of  
12 referral from Judge Amon. There are a number of  
13 signature lines after the judge's signature.

14 Is that your signature on the defendant's  
15 signature line?

16 THE DEFENDANT: Yes.

17 THE COURT: Has this document been translated  
18 for you and have you discussed it with your attorney?

19 THE DEFENDANT: Yes.

20 THE COURT: I find that the defendant's consent  
21 is knowing, intelligent and voluntary. Therefore, I am  
22 prepared to proceed.

23 Mr. Chen, how old are you?

24 THE DEFENDANT: 42-years old.

25 THE COURT: How far did you go in school?

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1 THE DEFENDANT: My schooling in America is  
2 until high school.

3 THE COURT: Are you a high school graduate?

4 THE DEFENDANT: Yes.

5 THE COURT: A U.S. high school?

6 THE DEFENDANT: Ye.

7 THE COURT: Are you able to speak and  
8 understand any English?

9 THE DEFENDANT: I know how to speak and I know  
10 how to write some English.

11 THE COURT: Have you had any difficulty  
12 communicating with your attorney?

13 THE DEFENDANT: Basically an interpreter was  
14 present, so not much of any problems.

15 THE COURT: So I take it there was no problem  
16 since you had the interpreter present.

17 Is that correct?

18 THE DEFENDANT: Correct, no problem.

19 THE COURT: Mr. Roth, have you had any  
20 difficulty communicating with your client?

21 MR. ROTH: Not without -- with the aid of the  
22 interpreter, I have had no problems.

23 THE COURT: Mr. Chen, are you now or have you  
24 recently been under the care of a doctor or a  
25 psychiatrist?

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1 THE DEFENDANT: No, no.

2 THE COURT: In the past 24 hours, have you  
3 taken any drugs, narcotics, medicines or pills or drunk  
4 any alcoholic beverages?

5 THE DEFENDANT: No.

6 THE COURT: Have you ever been hospitalized or  
7 treated for substance abuse or for any mental or  
8 emotional problem?

9 THE DEFENDANT: No.

10 THE COURT: Is your mind clear now?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand what's going on  
13 here now?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Roth, have you discussed the  
16 matter of pleading guilty with your client?

17 MR. ROTH: have, your Honor.

18 THE COURT: In your view, does he understand  
19 the rights he'll be waiving by pleading guilty?

20 MR. ROTH: He does.

21 THE COURT: Is he capable of understanding the  
22 nature of these proceedings?

23 MR. ROTH: He is, your Honor.

24 THE COURT: Do you have any doubt as to his  
25 competence to plead at this time?

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1 MR. ROTH: None whatsoever, your Honor.

2 THE COURT: Have you advised him of the maximum  
3 sentence and fine that can be imposed and have you  
4 discussed with him the effect of the sentencing  
5 guidelines?

6 MR. ROTH: I have done so, your Honor.

7 THE COURT: Mr. Chen, have you discussed your  
8 case with Mr. Roth and are you satisfied to have him  
9 represent you?

10 THE DEFENDANT: Yes, I am satisfied.

11 THE COURT: Have you seen the indictment that's  
12 been filed against you and a series of co-defendants?

13 THE DEFENDANT: Yes.

14 THE COURT: Have you discussed the indictment  
15 with your attorney and has it been translated or  
16 explained to you through the interpreter?

17 THE DEFENDANT: This is the copy -- yes.

18 THE COURT: I understand that you're prepared  
19 to plead guilty to Count Five of that indictment which  
20 charges extortionate collection of credit conspiracy.

21 More specifically, Count Five alleges that  
22 between approximately October and December of 2013, you  
23 and others knowingly and intentionally conspired or  
24 agreed to participate in the use of extortionate means to  
25 collect and attempt to collect one or more extensions of



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1 credit from an individual who is referred to in Count  
2 Five as John Doe Number One.

3 In order to prove you guilty of that offense,  
4 the government would have to prove the following beyond a  
5 reasonable doubt. First that at some time during the  
6 approximate time period specified in Count Five, two or  
7 more individuals entered into the unlawful agreement  
8 charged in the indictment.

9 Second, the government would have to prove that  
10 you knowingly and intentionally became a member of that  
11 conspiracy, understanding its object and purpose.

12 Now in this case, the unlawful agreement  
13 charged in Count Five is to use extortionate means to  
14 collect an extension of credit. In order to prove that  
15 object or purpose of the conspiracy, the government would  
16 have to prove the following beyond a reasonable doubt.

17 First, that as part of that conspiracy or  
18 agreement, you or another co-conspirator would collect or  
19 attempt to collect an extension of credit that is a loan  
20 of money.

21 Second, the government would have to prove that  
22 you or another co-conspirator were to use extortionate  
23 means to collect or attempt to collect the extension of  
24 credit. By extortionate means that involves the use of  
25 or express or implicit threat of the use of violence or

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1 criminal means to cause harm to the person, reputation or  
2 property of another person.

3 Finally, the government would have to prove  
4 that you or your co-conspirator would participate  
5 knowingly in the use of extortionate means.

6 Do you understand that charge?

7 THE DEFENDANT: I do.

8 THE COURT: And have you discussed that charge  
9 with Mr. Roth?

10 THE DEFENDANT: Yes.

11 THE COURT: I now want to talk with you about  
12 the rights that you'll be giving up by pleading guilty  
13 but the first and most important thing you have to  
14 understand is that you have a right to plead not guilty  
15 even if you are guilty.

16 Do you understand that?

17 THE DEFENDANT: I understand.

18 THE COURT: If you plead not guilty, then under  
19 the Constitution and laws of the United States, you are  
20 entitled to a speedy and public trial by jury with the  
21 assistance of counsel on the charges contained in the  
22 indictment against you.

23 Do you understand that?

24 THE DEFENDANT: I understand.

25 THE COURT: You have the right to be

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1 represented by an attorney and if necessary, to have the  
2 Court appoint an attorney to represent you, not only at  
3 trial but at every other stage of the proceeding.

4 Do you understand that?

5 THE DEFENDANT: I understand.

6 THE COURT: At the trial, you would be presumed  
7 to be innocent and the government would have to overcome  
8 that presumption and prove you guilty by competent  
9 evidence and beyond a reasonable doubt.

10 You would not have to prove that you were  
11 innocent. And if the government failed to prove you  
12 guilty beyond a reasonable doubt, the jury would have the  
13 duty to find you not guilty.

14 Do you understand that?

15 THE DEFENDANT: I understand.

16 THE COURT: In the course of the trial, the  
17 witnesses for the government would have to come to court  
18 and testify in your presence. And your attorney would  
19 have the right to cross-examine the witnesses for the  
20 government, to object to evidence offered by the  
21 government, to compel the attendance of witnesses and to  
22 offer evidence on your behalf.

23 Do you understand that?

24 THE DEFENDANT: I understand.

25 THE COURT: At a trial, while you would have

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1 the right to testify if you chose to do so, you could not  
2 be required to testify. Under the Constitution of the  
3 United States, you cannot be compelled to incriminate  
4 yourself. If you decided not to testify, the Court would  
5 at your lawyer's request, instruct the jurors that they  
6 could not hold that against you.

7 Do you understand that? Do you understand  
8 that, Mr. Chen?

9 THE DEFENDANT: Yes.

10 THE COURT: If you plead guilty and the Court  
11 accepts your plea, you'll be giving up your  
12 constitutional right to a trial and the other rights that  
13 I have just discussed. There will be no further trial of  
14 any kind and no right of appeal from the judgment of  
15 guilty. The Court will simply enter a judgment of guilty  
16 on the basis of your guilty plea.

17 Do you understand that?

18 THE DEFENDANT: I understand.

19 THE COURT: Mr. Chen, if you plead guilty, I  
20 will have to ask you questions about what you did in  
21 order to satisfy myself and Judge Amon that you are, in  
22 fact, guilty of the charge to which you seek to plead  
23 guilty. And you'll have to answer my questions and admit  
24 your guilt. In that way, you will be giving up your  
25 right not to incriminate yourself.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Are you willing to give up your  
4 right to a trial and the other rights that I have just  
5 discussed?

6 THE DEFENDANT: I am willing.

7 THE COURT: I have before me a plea agreement  
8 that's been marked Court Exhibit 1.

9 Turning to the last page of that document, Mr.  
10 Chen, is that your signature on the defendant's signature  
11 line?

12 THE DEFENDANT: Yes.

13 THE COURT: And Mr. Roth, who translated this  
14 document for the defendant?

15 MR. ROTH: Judge, I can represent to the Court  
16 that Lily Lau (ph.), a certified court interpreter,  
17 translated that document to my client in my office.

18 THE COURT: And how does Ms. Lau spell her  
19 first name, with one or two ls in the middle?

20 MS. MOORE: I believe it's one.

21 MR. ROTH: One l.

22 MS. MOORE: Your Honor, I will just note that  
23 the previous agreement that I provided Mr. Roth had a  
24 date of the third point of May 6th and then I changed it  
25 to May 9th, today, to reflect the plea taking place

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1 today, which is at the top of page 3 but the agreement we  
2 have today --

3 THE COURT: Yes.

4 MS. MOORE: -- is identical in every other  
5 respect.

6 THE COURT: Mr. Chen, does this plea agreement  
7 fully and accurately reflect your understanding of the  
8 agreement you've reached with the government concerning  
9 your guilty plea?

10 THE DEFENDANT: Yes.

11 THE COURT: Other than the promises contained  
12 in this document, has anyone made any promise that has  
13 caused you to plead guilty?

14 THE DEFENDANT: No.

15 THE COURT: Has anyone made any promise to you  
16 as to what your sentence will be?

17 THE DEFENDANT: No.

18 THE COURT: I now want to talk with you about  
19 the sentencing scheme that's applicable here. The  
20 statute that you're accused of violating in Count Five  
21 carries a prison term of up to twenty years.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: In addition to a prison term, the  
25 sentencing court can also impose a supervised release

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1 term of up to three years. The supervised release term  
2 will follow any term of imprisonment and if you violate a  
3 condition of supervised release, you could then be sent  
4 back to prison for up to an additional two years. If  
5 that happened, you would not receive credit for time  
6 already spent in prison, nor would you receive credit for  
7 time previously served on post-release supervision.

8 Do you understand that?

9 THE DEFENDANT: I understand.

10 THE COURT: In addition to a prison term and  
11 supervised release term, the sentencing court can also  
12 impose a fine of up to \$250,000.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: In addition, the Court will impose  
16 a mandatory order of restitution in the full amount of  
17 each victim's losses as determined by the Court.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And I am going to ask Ms. Moore to  
21 give the government's best estimate of the amount of each  
22 victim's losses but in doing so, I want to emphasize to  
23 you, Mr. Chen, that if there is an issue about the amount  
24 of the losses, that would be a matter that would be  
25 resolved by Judge Amon.

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1 Do you understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: Ms. Moore, does the government have  
4 an estimate as to the amount of each victim's losses?

5 MS. MOORE: At this time, the government's  
6 estimate is \$2,000.

7 THE COURT: Again, Mr. Chen, it will be up to  
8 Judge Amon to determine the amount of the losses. I do  
9 want to emphasize at this point that restitution is a  
10 matter that is separate and apart from any fine the Court  
11 might impose. Restitution is intended as a remedy to the  
12 victim or victims of the defendant's conduct. A fine is  
13 a penalty that's payable to the United States Treasury.

14 So the Court can require both that you pay  
15 restitution to the victims of your offenses, as well as  
16 imposing a fine.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: The Court will also impose a  
20 mandatory \$100 special assessment.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Another consequence of your plea is  
24 an order of forfeiture in an amount to be determined by  
25 Judge Amon.



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1 Do you understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: And Mr. Roth, is your client a  
4 United States citizen?

5 MR. ROTH: He is, your Honor.

6 THE COURT: Is that's the government's  
7 understanding, as well?

8 MR. KABRAWALA: It is, your Honor.

9 THE COURT: I now want to talk with you about  
10 the sentencing guidelines. Under the Sentencing Reform  
11 Act of 1984, the United States Sentencing Commission has  
12 issued guidelines for judges to consider in determining  
13 the sentence in a criminal case. In determining the  
14 sentence, the Court is obligated to calculate the  
15 applicable sentencing guideline range and to consider  
16 that range, possible departures under the guidelines and  
17 other sentencing factors, including those specified by  
18 statute.

19 Mr. Chen, have you and Mr. Roth talked about  
20 how the guidelines might apply to your case?

21 THE DEFENDANT: Yes.

22 THE COURT: You should understand that  
23 Judge Amon will not be able to do the guideline  
24 calculation for your case until after the probation  
25 department has prepared a presentence report and you and

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1 your attorney had an opportunity to read it and to  
2 challenge the facts reported by the probation officer.

3 Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: You should also understand that  
6 after it's been determined what guideline applies to a  
7 case, the judge has the authority to impose a sentence  
8 that is more severe or less severe than the sentence  
9 called for by the guidelines, depending on what is a  
10 reasonable sentence.

11 Do you understand that?

12 THE DEFENDANT: I understand.

13 THE COURT: I'm now going to ask the attorneys  
14 to give their best estimate of what the guideline range  
15 of imprisonment is likely to be but I want you to keep in  
16 mind that the attorney's estimates are not binding upon  
17 Judge Amon, even if both your lawyer and the prosecutor  
18 happen to be in agreement.

19 Do you understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: Ms. Moore, has the government done  
22 a calculation under the guidelines?

23 MS. MOORE: We have, your Honor, and our  
24 current estimate is that his sentencing guidelines range  
25 would be 51 to 63 months.

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1 THE COURT: And that assumes a criminal history  
2 category of what?

3 MS. MOORE: Of one, your Honor.

4 THE COURT: And Mr. Roth, have you done your  
5 own calculation under the guidelines?

6 MR. ROTH: Yes, your Honor.

7 THE COURT: And what is the result of your  
8 calculation?

9 MR. ROTH: It's the same calculation.

10 THE COURT: And again, Mr. Chen, as I said, it  
11 will be up to Judge Amon to do her own calculation under  
12 the guidelines and to determine the appropriate range of  
13 imprisonment.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: And let me just ask Ms. Moore, in  
17 paragraph 3 you talk about reductions for acceptance of  
18 responsibility. In coming up with the 51 to 63 month  
19 range of imprisonment, how much of a reduction for  
20 acceptance of responsibility were you assuming?

21 MS. MOORE: Three points, your Honor.

22 THE COURT: And you took into consideration  
23 additional conduct as specified in paragraph 2?

24 MS. MOORE: Yes, your Honor.

25 THE COURT: And Mr. Roth, I assume that you've

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1 used a similar analysis?

2 MR. ROTH: That is correct, your Honor.

3 THE COURT: And Mr. Chen, it will be up to  
4 Judge Amon to determine whether or not to give you the  
5 benefit of a three point reduction for acceptance of  
6 responsibility.

7 Do you understand that?

8 THE DEFENDANT: I understand.

9 THE COURT: I want to point out a particular  
10 provision of this agreement. Paragraph 4 provides in  
11 substance and in part that you will not file an appeal or  
12 otherwise challenge your conviction or sentence in the  
13 event the Court imposes a term of imprisonment at or  
14 below 71 months.

15 Now 71 months exceeds the range of imprisonment  
16 that both the government and your lawyer have calculated.  
17 Now under this agreement, you and your lawyer are free to  
18 argue before you're sentenced that you should not be sent  
19 to prison for as long as 71 months.

20 For example, I assume that you and your lawyer  
21 will ask Judge Amon to give you the benefit of the three  
22 point reduction for acceptance of responsibility in order  
23 to bring the range of imprisonment down to 51 to 63  
24 months. Indeed, under this agreement, you and your  
25 lawyer are free to argue before you're sentenced that you

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1 should be sentenced below the applicable guidelines range  
2 or in any event, at the low end of the applicable range,  
3 not at the upper end of that range.

4 All of these good faith arguments are available  
5 to you and your lawyer before you're sentenced. However,  
6 because of the language in paragraph 4 that I've just  
7 summarized for you, once Judge Amon sentences you, as  
8 long as he does not give you more than 71 months, that is  
9 the end of the matter, even if she rejects all your  
10 arguments for leniency, you have agreed that you will not  
11 file an appeal or otherwise challenge your conviction or  
12 sentence as long as the term of imprisonment is no more  
13 than 71 months.

14 Do you understand that?

15 THE DEFENDANT: I understand.

16 THE COURT: You should also understand that  
17 parole has been abolished and that if you're sentenced to  
18 prison you will not be released on parole.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Mr. Chen, do you have any questions  
22 you would like to ask me about the charge, your rights or  
23 anything else relating to this matter?

24 THE DEFENDANT: No.

25 THE COURT: Are you ready to plead?

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1 THE DEFENDANT: Yes.

2 THE COURT: Mr. Roth, do you know any reason  
3 why Mr. Chen should not plead guilty?

4 MR. ROTH: I do not, your Honor.

5 THE COURT: Are you aware of any viable legal  
6 defense to the charge?

7 MR. ROTH: I am not, your Honor.

8 THE COURT: Mr. Chen, what is your plea to  
9 Count Five of the indictment, guilty or not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: Are you making this plea of guilty  
12 voluntarily and of your own free will?

13 THE DEFENDANT: Yes.

14 THE COURT: Has anyone threatened or forced you  
15 to plead guilty?

16 THE DEFENDANT: No.

17 THE COURT: Other than the plea agreement with  
18 the government that's been marked Court Exhibit 1, has  
19 anyone made any promise that has caused you to plead  
20 guilty?

21 THE DEFENDANT: No.

22 THE COURT: Has anyone made any promise to you  
23 as to what your sentence will be?

24 THE DEFENDANT: No.

25 THE COURT: Again, Count Five charges that

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1 between approximately October and December of 2013, you  
2 and others knowingly and intentionally conspired or  
3 agreed to participate in the use of extortionate means to  
4 collect and attempt to collect one or more extensions of  
5 credit from John Doe Number One.

6 Did you, in fact, do that?

7 THE DEFENDANT: Yes.

8 THE COURT: Would you tell me in your words what  
9 you did that makes you guilty of the offense charged in  
10 Count Five, the conspiracy to engage in extortionate  
11 collection of credit?

12 THE DEFENDANT: Between October and December  
13 2014, I went to Queens to collect a debt that was owed to  
14 my friend -- from Queens. I went to a friend to collect  
15 from this owner who owed my sister money. If I weren't  
16 able to collect the money, I was planning to use some  
17 force.

18 THE COURT: Was this plan you had to use force  
19 part of an agreement or understanding that you had with  
20 one or more other individuals?

21 THE DEFENDANT: Yes.

22 THE COURT: Ms. Moore, are there particular  
23 questions that you would like the Court to put to the  
24 defendant?

25 MS. MOORE: If you would just confirm with him

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1 that he entered into this agreement knowingly. I think  
2 that would satisfy everything.

3 THE COURT: Wen you agree with these others to  
4 collect the debt, did you know that the intent of the  
5 group was to use force in order to collect the money  
6 owed?

7 MR. ROTH: I think, your Honor, force if  
8 necessary.

9 THE COURT: Yes, to use force if necessary to  
10 collect the money owed.

11 THE DEFENDANT: Yes.

12 THE COURT: And you knew it was wrong to enter  
13 into such a plan?

14 THE DEFENDANT: Yes.

15 THE COURT: Ms. Moore?

16 MS. MOORE: Just one additional question. If  
17 you would just clarify that his agreement to use this  
18 force, the force would have been used against the  
19 intended victim, John Doe One.

20 THE COURT: Well, since he is unnamed, I don't  
21 know how you want to --

22 MR. ROTH: Well, I guess we could designate him  
23 as a restaurant owner.

24 THE COURT: I think there was a business that  
25 was referenced in Mr. Chen's statement.



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1 MS. MOORE: Yes, I guess if he would stipulate  
2 that the force that he would have been using would have  
3 been as to the restaurant owner.

4 THE COURT: Is that correct, Mr. Chen? That  
5 the force if needed was to be used against the restaurant  
6 owner in Queens?

7 MR. ROTH: It started in Queens, Judge. The  
8 restaurant owner was Upstate New York in New Rochelle.

9 THE COURT: All right.

10 THE DEFENDANT: Yes.

11 THE COURT: Is there anything else the  
12 government would like me to ask the defendant?

13 MS. MOORE: No, thank you, your Honor.

14 THE COURT: Based on the information provided  
15 to me, I find that Mr. Chen is acting voluntarily, that  
16 he fully understands his rights and the consequences of  
17 his plea and that there is a factual basis for the plea.

18 I, therefore, recommend acceptance of the plea  
19 of guilty to Count Five of the indictment.

20 Judge Amon has set this down for sentencing on  
21 August 26th at 10 a.m.

22 In the interim, Mr. Chen, the probation  
23 department will be preparing a presentence report. I  
24 urge you to cooperate with the probation officer.

25 Is there anything further?

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1 MS. MOORE: Not from the government.

2 MR. ROTH: Not from the defense, your Honor.

3 Thank you.

4 THE COURT: All right. Thank you very much.

5 MR. ROTH: Thank you, Judge. Have a good day.

6 MS. MOORE: Thank you, your Honor.

7 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of June, 2016.



Linda Ferrara

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